

Legislative Bulletin.....August 1, 2007

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H.R. 3248—To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections,

H.R. 3248—To amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections—as introduced (Oberstar, D-MN)

Order of Business: H.R. 3248 is expected to be considered on Wednesday, August 1, 2007, under a motion to suspend the rules and pass the bill. A similar bill (H.R. 1195) was passed by the House earlier this year.

Summary: H.R. 3248 makes numerous technical corrections to federal surface transportation programs authorized by SAFETEA-LU (P.L. 109-59). Below are the *highlights* of the 125 page bill:

- Provides \$90 million in new contract authority for the magnetic levitation technology program (a mass transit program) or MAGLEV over three years. Under SAFETEA-LU, 50% of this funding is earmarked for a Nevada project and the rest for a project “east of the Mississippi.”
- Annually reduces core highway formula programs by 0.2% for FY 2006-2009 and transfers the contract authority to the F-SHARP highway research program. This takedown would transfer some \$200 million in total “above the line” funding, but would not affect the Equity Bonus (EB) calculations, even though some states will lose funding. This is to address the fact that the research programs in Title V of SAFETEA-LU were over-earmarked.
- Makes changes to address hundreds of (“broken”) surface transportation projects, clarifying recipients and increasing certain project funding levels (and decreasing others to achieve budget neutrality). **Note:** It is unclear whether the bill includes any new earmarks. However, earlier versions of this bill did not in that, without a technical error, all would have fully executed under SAFETEA-LU.
- Provides \$21 million in new contract authority for university transportation center research funding.
- Offsets the costs of the bill’s provisions by increasing the scheduled rescission of contract authority on September 30, 2009, under SAFETEA-LU, from \$8.593 billion

to \$8.710 billion (an increase of \$117 million). While some conservatives may be concerned that this rescission of contract authority will never materialize, it is important to remember that the obligation limitations, which control the amount of annual transportation spending regardless of what has been authorized, are not being changed. This will ensure that SAFETEA-LU's "real world" funding will not surpass \$286 billion.

- Amends the requirement that second-offense drunk drivers have their licenses revoked for one year (without states being subject to financial penalty) and instead, allows for either a one year suspension *or* a 45 day suspension followed by a reinstatement period, so long as an ignition interlock device (breathalyzer) is installed on the individual's vehicle.
- Clarifies that the Federal Highway Administration's current application of the Buy America test—with regard to the policy only being applied to components or parts of a bridge project and not the entire bridge project—is inconsistent with congressional intent.
- Provides for the installation of a photovoltaic system, as set for in the Sun Wall Design Project, at the Department of Energy's headquarters building—\$30 million is provided for the installation to be paid from unobligated balances from FY 2007.
- Conveys the GSA Fleet Management Center to the Alaska Railroad Corporation and the retained interest in the St. Joseph Memorial Hall to the city of St. Joseph, Michigan.

Background: On August 10, 2005, the President signed the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU, P.L. 109-59) into law to provide \$286 billion over five years for all federal surface transportation programs. The bill also included over 6,300 member earmarks, representing 8% of the bill's overall funding and a substantial increase over the preceding transportation authorization bill's (TEA-21, 1998-2003) then-record level of 1,850 earmarks.

Does the Bill Comply with House Rules Regarding Earmarks?: H.R. 3248 is being considered under a motion to suspend the rules and pass the bill. As a result, the bill technically does not have to include a list of all the earmarks (and the requesting Member) or a statement that no earmarks are included.

Cost to Taxpayer: According to CBO, the bill reduces contract authority by \$1 million over five years.

Does the Bill Create New Federal Programs or Rules?: At press time, the bill does not appear to create new programs.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

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